

REMARKS/ARGUMENTS

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested. This response is timely in view of the accompanying Request for Extension of Time, which extends the period for response to October 30, 2004.

Claims 1-26 are pending.

By way of the Office Action mailed June 30, 2004, claims 1-3, 8-14, 17-20, and 23-26 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,791,125 to Kallner (hereinafter referred to as Kallner) in view of U.S. Patent Number 4,490,962 to Weis et al. (hereinafter referred to as Weis et al.). This rejection is respectfully **traversed**.

Kallner teaches a rotary heat sealer useable for thermally sealing overlapping film layers wrapped about a load (column 3, lines 21-23). The rotary heat sealer includes heat sealing disks rotatably supported on a rotatable shaft (column 3, lines 25-27). The heat sealing disks are resiliently coupled to the rotatable shaft so that the heat sealing disks are movable transversely relative to the axial dimension of the rotatable shaft (column 3, lines 33-37). FIG. 1 shows the heat sealing disks independently movable transversely relative to the axis of the rotatable shaft as the heat sealing disks engage the overlapping film layers wrapped about a relatively uneven or irregular side surface of a load to compensate for variations in the shape of the load, whereby the heat sealing disks assure **complete and permanent welding** of overlapping films layers (column 6, lines 19-26).

Weis et al. teaches an apparatus that functions to form **spaced discrete heat seals** in overlapping portions of a plastic sheet secured around a product (column 1, lines 31-36). The apparatus **does not completely seal the film** about the product, but rather provides spaced seals along overlapping portions of the plastic sheet whereby excess air disposed between the sheet and product may exit between the seals when shrinking of the film occurs (column 2, lines 43-52). Additionally, Weis et al. teaches that using heated rollers to form discrete welds has drawbacks, particularly that rollers having heated elements disposed about the periphery thereof require a complicated structure, utilizing components such as slip rings and brushes which wear and lose accuracy in time (column 1, lines 20-28). Therefore, Weis et al. teaches away from the heated roller approach taught by Kallner.

Thus, Kallner seeks to provide complete and permanent welding of overlapping film layers, while Weis et al. seeks to provide intermittent discrete heat seals that will permit flow of excess air during shrinking of the film. Because Kallner and Weis et al. have conflicting objectives with respect to the desired types of heat seals, one of ordinary skill in the art would not be motivated to combine these references. Rather, one of ordinary skill in the art, if seeking to provide a more complete and permanent weld such as taught by Kallner, would be motivated to avoid spaced discrete heat seals that encourage the flow of air therebetween. Because one of ordinary skill in the art would not be motivated to combine the references for the above-discussed reason, Applicants respectfully request withdrawal of the rejection and allowance of the pending claims.

It is noted that the Office Action suggests that FIG. 2 of Weis et al. shows welding between the outer surface of the tail on a roll of sheet material and the underlying layer. Applicants respectfully disagree. As described for FIG. 1, one roll 20 is shown wrapped and positioned on the conveyor belt 22 and another paper roll 20 is shown passing through the interior of a curved forming plate 10 and in the process of being wrapped by a plastic sheet 12. Thus, FIG. 2 merely shows a roll of paper being wrapped by a plastic sheet, with the overlapping portions of the plastic sheet being welded together to form spaced discrete heat seals. FIG. 2 does not show welding between the outer surface of the tail on a roll of sheet material and the underlying layer as suggested by the Office Action.

Claims 4-5, and 21 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Kallner in view of Weis et al. as applied to claim 1, and further in view of U.S. Patent Number 6,358,356 to Bradshaw et al. (hereinafter referred to as Bradshaw et al.). This rejection is respectfully **traversed**.

Bradshaw et al. teaches a method and an apparatus for applying a **tape** with a thermally activatable or pressure sensitive adhesive impregnated therein to the surface of a substrate such as wood veneer or decorative wood surfacing material (column 2, lines 27-32). The method and apparatus are directed toward solving the problem of generating unwanted globs of glue on the substrate and the surrounding area (column 2, lines 65-67).

Neither Kallner nor Weis et al. teaches any use or application of adhesive impregnated tapes. Therefore, one of ordinary skill in the art working with the subject matter taught by either Kallner

or Weis et al. would not reasonably be expected or motivated to look to references directed to the problems associated with the application of adhesive impregnated tapes. Additionally, the Office Action does not identify the motivation to combine the references that is required for a *prima facie* case of obviousness. It is noted that the Office Action suggests that the heated wheel of Bradshaw et al. is a functionally equivalent alternate expedient to the heat sealing disk of Kallner. Applicants respectfully disagree. The function of the heated wheel of Bradshaw et al. is to apply adhesive impregnated tape to a substrate, while the function of the heat sealing disk of Kallner is to heat seal plastic sheets together. Because of the difference in the functions, one of ordinary skill in the art would not be motivated to combine these references.

Furthermore, Bradshaw et al. provides no motivation to support the combination of Kallner and Weis et al., and therefore does not overcome the deficiencies of the Kallner and Weis et al. combination described above.

For the reasons discussed above, Applicants respectfully request withdrawal of the rejection and allowance of the pending claims.

Claims 6-7, 15-16, and 22 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Kallner in view of Weis et al. as applied to claim 1, and further in view of U.S. Patent Number 4,717,372 to Herrington (hereinafter referred to as Herrington). This rejection is respectfully **traversed**.

Herrington teaches an apparatus for producing an **intermittent** heat seal in a moving web of thermoplastic film (column 2, lines 41-44). The intermittent heat seal is provided by movement of the web between a heated support means and a plurality of wheels having heat conducting surfaces spaced around the periphery of the wheels (column 2, lines 44-61).

As discussed above, Kallner seeks to provide complete and permanent welding of overlapping film layers. Herrington, however, seeks to provide intermittent heat seals. As in the discussion above regarding the combination of Kallner and Weis et al., one of ordinary skill in the art seeking a more complete and permanent heat seal would not be motivated to incorporate the teachings from a reference that provides intermittent heat seals. Likewise, Herrington provides no motivation to support the combination of Kallner and Weis et al., and therefore does not overcome the deficiencies of the Kallner and Weis et al. combination described above. Because one of ordinary skill in the art would lack the motivation to combine the cited

references, Applicants respectfully request withdrawal of the rejection and allowance of the presently presented claims.

Lastly, attention is drawn to the Information Disclosure Statement which is being filed contemporaneously herewith. The Examiner is requested to make of record receipt and review of the documents listed therein.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8626.

Respectfully submitted,

DAVIS ET AL

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CERTIFICATE OF MAILING

I, Richard M. Shane, hereby certify that on October 19, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

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